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Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields

Follow-up to the outcome of the Millennium Summit

Letter dated 29 September 2016 from the Permanent Representative of the United States of America to the United Nations addressed to the Secretary-General

The United States has the honour to transmit the following statement concerning the draft outcome document of the high-level plenary meeting of the Assembly on addressing large movements of refugees and migrants (see annex), and requests that it be circulated as a document of the Assembly, under agenda items 13 and 117.

(*Signed*) Samantha **Power**

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Annex to the letter dated 29 September 2016 from the Permanent Representative of the United States of America to the United Nations addressed to the Secretary-General

Explanation of position on the outcome document for the high-level meeting of the General Assembly

Summit of 19 September 2016 on large movements of refugees and migrants

The United States is pleased to have joined the consensus on General Assembly resolution 70/302, entitled "Draft outcome document of the high-level plenary meeting of the General Assembly on addressing large movements of refugees and migrants", which the Assembly adopted on 9 September 2016. The United States looks forward to the high-level plenary meeting of the Assembly on addressing large movements of refugees and migrants on 19 September and to adopting the New York Declaration for Refugees and Migrants at that meeting. The United States previously had joined the consensus when Member States concluded negotiations on that Declaration on 2 August. The United States further understands that the final text of the Declaration that Member States will adopt on 19 September will be set out in a new United Nations document that reflects minor editorial corrections to the text included as the annex to the draft outcome document of the high-level plenary meeting of the Assembly on addressing large movements of refugees and migrants (A/70/L.61). These modifications include the restoration of references by name to the Special Representative of the Secretary-General for International Migration and Development, Peter Sutherland, in paragraph 62 of the Declaration and in paragraph 13 of appendix II.

The General Assembly is convening this high-level meeting on 19 September in recognition of the fact that more and more people today are on the move to escape persecution, conflict, severe human rights abuses, extreme poverty and other perilous situations. Given the present scale of these movements and the vulnerability of those undertaking these journeys, global cooperation to protect and assist refugees, internally displaced persons, victims of human trafficking and vulnerable migrants is critical. Importantly, the Declaration affirms key principles of responsibility-sharing and international cooperation and the commitments of States to protecting and assisting refugees and to working towards durable solutions to address their plight. The Declaration and its appendices set out important principles that, when applied, will make the international response to humanitarian crises more effective. Given that addressing the needs of affected individuals is paramount, responses must be fine-tuned and adapted to reflect specific circumstances on the ground.

The Declaration also reflects a growing recognition that large numbers of highly vulnerable migrants are not refugees as defined under international law, but are nevertheless in need of protection and assistance. It highlights the benefits of migration and underscores the importance of respecting the human rights of all migrants, regardless of immigration status, and of combating xenophobia, discrimination against refugees and migrants, trafficking in persons and migrant smuggling. Above all, the Declaration calls upon all of us, first and foremost, to save lives and ensure protection for those who need it. We embrace that goal.

In joining the consensus on the Declaration, we would like to clarify our views on several elements in the text. First, we underscore our understanding that none of the provisions in this Declaration or its accompanying appendices create or affect the rights or obligations of States under international law, as paragraph 21 recognizes. The United States will pursue the commitments, including those aspiring to changed circumstances, in the Declaration and its appendices consistent with its national law and policy and the federal Government's authority. In pursuing these important goals, the United States will also continue to take steps to ensure national security, protect territorial sovereignty and maintain the health and safety of its people, including by exercising its rights and responsibilities to prevent irregular migration and to control its borders, consistent with international obligations.

In this context, we note the document's important commitments concerning humanitarian financing, which is central to meeting humanitarian needs. The United States has long been the world's largest humanitarian donor and has provided more than $6 billion in each of its past two fiscal years — providing life-saving assistance to millions of the world's most vulnerable people. Our commitment to meeting life-saving needs is an enduring one and we will pursue the Declaration's commitments relating to financing or national budgets within and subject to our appropriations process.

The Declaration also contains numerous commitments concerning migration and lays out a process for Member States to elaborate a global compact for safe, orderly and regular migration, in keeping with the 2030 Agenda for Sustainable Development, for adoption in 2018. A strong role for the International Organization for Migration (IOM), which will become strengthened upon the entry into force on 19 September of the relationship agreement between the United Nations and IOM, is essential to this follow-up process. IOM is uniquely positioned for this role as the sole global organization with an exclusive mandate on migration. By relying on its policy and secretariat expertise on all aspects of the preparatory process and ensuing negotiations, Member States will gain immeasurably from the broad and deep knowledge of IOM and be better positioned to respond to crises and protect the most vulnerable among them. This, in turn, will enhance their deliberations and avoid potentially unnecessary parallel processes and the costly duplication of efforts. Finally, we believe it is critical to hold the negotiations in Geneva, where States can benefit not only from the expertise of IOM, but also from the proximity of other Geneva-based organizations with migration and refugee expertise, including the International Labour Organization, the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Office of the United Nations High Commissioner for Human Rights. We will engage in discussions on modalities and the subsequent negotiations of the new global compact on this understanding.

We are pleased that the Declaration refers to the Migrants in Countries in Crisis initiative. The initiative, an important State-led effort, resulted in guidelines that States and other stakeholders can use as they see fit and that may serve as a useful model for subsequent State-led efforts on broader issues.

We are pleased to see specific language on persons in vulnerable situations and emphasize that lesbian, gay, bisexual, transgender and intersex persons fall within this category. The United States strongly supports any language on protecting the

rights of members of vulnerable groups, including lesbian, gay, bisexual, transgender and intersex persons, persons with disabilities, women, children and indigenous persons, among others.

We are also pleased that the Declaration includes specific language reaffirming the principle of non-refoulement. We underscore the importance of the core principle of non-refoulement to the protection of refugees and asylum seekers and regret that appendix I, on a comprehensive refugee response framework, does not refer to it. Protection must remain central in all refugee responses, which includes ensuring the voluntary nature of any refugee return.

While the Declaration and its appendix I rightly emphasize the importance of finding durable solutions for refugees, including voluntary return and resettlement, we are disappointed that local integration is not mentioned. Local integration continues to be important and is statistically the most likely of the three durable solutions for refugees.

The Declaration correctly emphasizes the particular vulnerabilities and needs of refugee and migrant children. Efforts to protect and promote the well-being of children in our country and abroad are a longstanding priority for the United States. We underscore our unwavering commitment to children around the world, evidenced in part by our annual contributions as the largest donor to the United Nations Children's Fund, totalling more than $868 million in 2015, and our recent pledge of $20 million to support Education Cannot Wait, a fund to strengthen education in emergencies and protracted crises. In addition, initiatives such as "Let girls learn" aim to support girls around the world so that they can transition to and succeed in secondary school. In advance of the Leaders' Summit on the Global Refugee Crisis on 20 September, the United States is also providing nearly $37 million to UNHCR to allow tens of thousands of refugee children to enrol in school and to support education-related Summit commitments by refugee-hosting countries.

The United States Government draws from a wide range of available resources to safely process migrant children, in accordance with applicable laws. In the limited circumstances in which migrant children are placed in custody of the Government, the United States is committed to ensuring that they are treated in a safe, dignified and secure manner. The United States believes that current practices with respect to children are consistent with this commitment. Furthermore, the United States does provide appropriate procedural safeguards for all migrants and asylum seekers, whether or not they are in government custody, and we interpret the Declaration's references to due process and other protections, including for persons seeking to cross an international border and in the context of returns, to be consistent with our existing national laws and policies in this regard.

Additionally, while delegates showed flexibility in reaching an outcome of which we can all be proud, we regret that some important topics were omitted. More than 40 million internally displaced persons globally form one of the world's most vulnerable populations, and the Declaration should have included stronger and more specific language on their protection and assistance needs. Nonetheless, many of the solutions the Declaration outlines for refugees are equally relevant for internally displaced persons. The causes of displacement are often the same, while the

vulnerabilities that they face are often life-threatening. We encourage States to draw on the commitments in this text in their efforts to protect and assist internally displaced persons, to adopt laws and policies to do so and to promote the inclusion of internally displaced persons in their development strategies. The United Nations system needs to remain focused on this critical issue, mindful of the Human Rights Council's recognition, in its recently adopted resolution on internally displaced persons, of the need for further consideration of re-establishing the position of Special Representative of the Secretary-General on Internally Displaced Persons.

Lastly, we are pleased that the Declaration includes language on the problem of statelessness. Together with a cross-regional group of 107 co-sponsors, the United States was proud to introduce a resolution on women's equal nationality rights at the June session of the Human Rights Council. That resolution highlighted the discrimination against women in their ability to confer nationality to their spouses and children, a problem that persists in every region of the world and increases the risk of statelessness. Statelessness, in turn, increases the vulnerability of people to human rights abuses and violations, including those involving human trafficking, arbitrary detention and restrictions on movement. We underscore the importance of resolving existing situations of statelessness to address protracted refugee crises, to avoid discrimination against women and racial or ethnic discrimination in nationality laws and to ensure robust civil registration, in particular birth registration, for all.

As we look ahead, we intend to build upon the elements of this Declaration to improve the lives of millions of refugees and vulnerable migrants. The United States looks forward to cooperating with other Member States and the United Nations to advance these objectives, including through the development and adoption of the compacts on refugees and on safe migration that the Declaration envisions.